



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

*Revised*

**RESOLUTION NO. 046-10  
140 AND 180 CONEJO ROAD  
LOT LINE ADJUSTMENT AND  
ADOPTION OF FINAL MITIGATED NEGATIVE DECLARATION  
AUGUST 25, 2010**

**APPLICATION OF ALICIA HARRISON, AGENT FOR FINANCIAL RESOURCES, LTD.,  
OWNER OF 140 CONEJO ROAD (APN 019-042-014) AND DR. ANDREW GOTELLI,  
OWNER OF 180 CONEJO ROAD, APN 019-042-012 & -013, A-1, ONE-FAMILY RESIDENCE  
ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE, MAJOR  
HILLSIDE (MST2006-00273)**

The project consists of a Lot Line Adjustment between Parcel One (140 Conejo Road, APN 019-042-014) and Parcel Two (180 Conejo Road, APN 019-042-012 & -013).

Proposed Adjusted Parcel One would be 9.33 acres (gross/net) with an average slope of 48% and Proposed Adjusted Parcel Two would be 4.32 acres (gross), 4.09 acres (net) with an average slope of 33%. Proposed Adjusted Parcel One would have a 16,124 square foot development envelope with an average slope of 20% and Proposed Adjusted Parcel Two would have a 20,890 square foot development envelope with an average slope of 27%.

The 2,800 square foot, two-story single-family residence that currently exists on the hilltop of Parcel One would remain, and would be contained within the proposed development envelope of Proposed Adjusted Parcel One. The development envelope for Proposed Adjusted Parcel Two would accommodate a new single-family residence and accessory structures although no development is currently proposed.

Both Proposed Adjusted Parcels would have restricted use areas, where no development is allowed, due to the onsite geologic conditions, as shown on the Lot Line Adjustment Exhibit. Vegetation management per the Wildland Fire Plan would be allowed outside the proposed development envelopes.

The parcel at 150 Conejo Road may have been created in violation of the Subdivision Map Act and the applicable City ordinances in effect at the time of the subdivision; therefore, a voluntary lot merger of 150 and 180 Conejo Road was completed. The new address for the merged parcel is 180 Conejo Road. A new assessor's parcel number for the merged parcel has not yet been assigned by the County of Santa Barbara.

The discretionary application required for this project is a Lot Line Adjustment between two existing lots (SBMC §27.40).

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor or opposition of the application and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 18, 2010.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

I. Approved the subject application making the following findings and determinations:

**A. Final Mitigated Negative Declaration Adoption**

1. The Staff Hearing Officer has considered the proposed Final Mitigated Negative Declaration, dated July 22, 2010 for 140, 150 & 180 Conejo (MST2006-00273), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Staff Hearing Officer's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated July 22, 2010, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code §21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included, which requires the applicant to pay the fee within five days of project approval.

**B. Department of Fish and Game Fee**

An Initial Study has been conducted by the lead agency, which has evaluated the potential for the proposed project to result in adverse effects, either individually or cumulatively, on wildlife resources or the habitat on which the wildlife depends. For this purpose, "wildlife" is defined as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability" (Section 711.2 Fish and Game Code). This project has the potential to affect wildlife resources or the habitat on which wildlife depend, and is subject to the Department of Fish and Game fee.

**C. Lot Line Adjustment (SBMC §27.40)**

The parcels resulting from the lot line adjustment will conform to the City's Zoning and Building Ordinances and policies of the General Plan as discussed in the written Staff Report dated August 18, 2010. The adjusted parcels would exceed the minimum slope density requirements for lot size and would meet the public street frontage requirement.

**II. Said approval is subject to the following conditions:**

**A. California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fee is \$2,010.25 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.

**B. Design Review.** Future development on the project site is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied.

- 1. Landscape Plan.** The final landscape plan shall adhere to the Fire Department Landscape Guidelines for properties that are in the high fire hazard area. These plans shall be reviewed and approved by the Fire Department. (H-2)
- 2. Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

**C. Recorded Conditions Agreement.** Prior to the recordation of the Lot Line Adjustment for the project on the Real Property, the Owner shall execute a *written instrument*, which shall be reviewed as to form and content by the City Attorney, Community

Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on August 25, 2010 is limited to a Lot Line Adjustment between Parcel One (140 Conejo Road, APN 019-042-014) and Parcel Two (180 Conejo Road, APN 019-042-012 & -013), as shown on the Lot Line Adjustment Exhibit signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara. Each adjusted parcel includes a development envelope and a restricted use area based on geologic conditions.
2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Development Rights Restrictions.** Each Adjusted Parcel shall have a "Restricted Use Area", as shown on the Geologic Map (dated May 2009, prepared by Gold Coast Geoservices, Inc.) and on the Lot Line Adjustment Exhibit, where no development is allowed due to geologic conditions.

Each Adjusted Parcel shall also have a "Development Envelope" where development is allowed. The Owner shall not make any use of the area outside of the Development Envelope, including but not limited to, grading, structures, irrigation, ornamental landscaping, or utility service lines. Improvements required pursuant to an Engineering Geologic Report for health and safety reasons may be allowed on a case-by-case basis when approved by the Community Development Department.

The Owner shall continue to be responsible for (i) maintenance of the Restricted Use Area and the areas outside the Development Envelope, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.

4. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
5. **High Fire Vegetation Management.** Developments located in the High Fire Hazard area are required to maintain vegetation to create an effective fuel break by thinning dense vegetation (mosaic style) and removing dry brush, flammable vegetation and combustible growth from areas within 100 feet of all buildings or

structures (or 150 feet in areas with slopes greater than 30%). The owner shall perform the following maintenance annually for the life of the project.

- a. Cut and remove hazardous brush, shrubs, and flammable vegetation such as dry grass and weeds within 100 feet of any structure (or 150 feet in areas with slopes greater than 30%) and within 2 inches of the ground.
- b. Thin brush from streets and driveways both horizontally and vertically along the property. Flammable vegetation must be cleared on each side of the street or driveway for a distance of 10 feet and a vertical distance of 13 feet, 6 inches. Vegetation must be cut to within 2 inches of the ground. This applies to the public or private driveway and any public or private streets that border the property.
- c. Remove dead wood, trim the lower branches, and limb all live trees to 6 feet above the ground (or as much as possible with younger, smaller trees), especially trees adjacent to buildings.
- d. Trim tree limbs back a minimum distance of 10 feet from any chimney opening.
- e. Remove all dead trees from the property.
- f. Maintain the roof of all structures free of leaves, needles or other vegetative debris.
- g. Legally dispose of all cut vegetation, including any debris left from previous tree trimming and brush removal. Cut vegetation may be chipped and spread throughout the property as a ground cover, up to 12 inches in depth, and at least 30 feet from any structure. (H-1)

D. **Public Works Submittal.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to recordation of the Lot Line Adjustment.

1. **Lot Line Adjustment Required.** The Owner shall submit an executed Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof/Declarations of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.
2. **Restricted Use Area.** Each Adjusted Parcel shall have a "Restricted Use Area", as shown on the Geologic Map dated May 2009, prepared by Gold Coast Geoservices, Inc., where no development is allowed. The "Restricted Use Area" shall be recorded on each Adjusted Parcel as part of the Lot Line Adjustment. (G-1)
3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real

Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.

- E. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:
1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
    - a. The frequency and/or schedule of the monitoring of the mitigation measures.
    - b. A method for monitoring the mitigation measures.
    - c. A list of reporting procedures, including the responsible party, and frequency.
    - d. A list of other monitors to be hired, if applicable, and their qualifications.
    - e. Submittal of monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/case planner.
    - f. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
  2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board.
  2. **Mitigation Monitoring and Reporting Requirement.** Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.
  3. **Nest Protection.** Proposed project activities, including tree and vegetation removal, shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season, the project proponent shall conduct a survey prior to construction, using a qualified biologist approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees being trimmed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird and vegetation trimming shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist. (BIO-1)
  4. **Engineering Geologic Report Recommendations.** Site preparation, grading and project construction shall be in accordance with the recommendations contained in the Engineering Geologic Report prepared by Gold Coast Geoservices, Inc., dated July 27, 2008 (Geologic Map dated May 2009). Compliance shall be demonstrated on plans submitted for grading and/or building permits. (G-2)
  5. **Energy Use.** Minimize the use of energy by designing and constructing structures using sustainable development principles including green building designs and materials. (AQ-20)
  6. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:  

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a

Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

7. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
  - a. Existing Oak trees on site shall be preserved and protected.
  - b. A Tree Protection Plan shall be developed and submitted with any future plans for development on proposed parcel 2. At a minimum the plans shall contain:
    - (1) During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of any grading.
    - (2) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the single-family residence. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
    - (3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
    - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.

- (5) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.  
 (BIO-2)

- 8. **Radon Abatement.** The project site is located in a high radon area. All new construction shall be designed to vent any radon gasses beneath the building to the air above the building. This would be accomplished by installing an impermeable barrier beneath the building floor with a layer of gravel and pipes within the gravel that vent any accumulated gasses.
- 9. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

\_\_\_\_\_  
 Property Owner Date

\_\_\_\_\_  
 Contractor Date License No.

\_\_\_\_\_  
 Architect Date License No.

\_\_\_\_\_  
 Engineer Date License No.

- G. **Construction Implementation Requirements.** For any future development on either parcel, all of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
  - 1. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)
  - 2. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of

water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. (AQ-2)

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

3. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-3)
4. **Construction Dust Control – Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-4)
5. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:
  - a. Seeding and watering until grass cover is grown;
  - b. Spreading soil binders;
  - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
  - d. Other methods approved in advance by the Air Pollution Control District. (AQ-5)
6. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)
7. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)
8. **Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District

prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)

9. **Exhaust Emissions – Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used. (AQ-9)
10. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-10)
11. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-11)
12. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-12)
13. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)
14. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
15. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-15)
16. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)
17. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-17)
18. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-18)
19. **Biodiesel.** Biodiesel shall be used to the maximum extent feasible. (AQ-19)
20. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
21. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31st
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

22. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
  - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
  - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
23. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
24. **Mitigation Monitoring Compliance Reports.** The PEC shall submit monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.

25. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The construction contact phone number shall include an option to contact a person instead of a machine in case of emergency. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

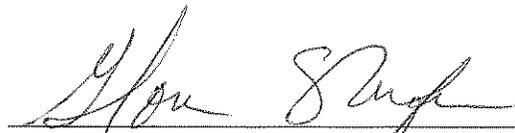
Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

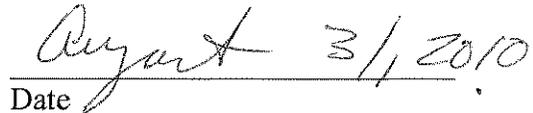
**NOTICE OF APPROVAL TIME LIMITS:**

The Staff Hearing Officer's action approving the Lot Line Adjustment shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §27.40.100.

This motion was passed and adopted on the 25th day of August, 2010 by the Staff Hearing Officer of the city of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.

  
\_\_\_\_\_  
Gloria Shafer, Staff Hearing Officer Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.